

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRISKIT, INC.,

No. C 03-5085 WWS (MEJ)

Plaintiff,

ORDER RE: DISPUTE OVER JOINT LETTER  
BRIEF

vs.

REALNETWORKS, INC., and LISTEN.COM.,

Defendants.

Before the Court are parties' various letters, the first letter dated August 10, 2005 to the most recent letter dated September 6, 2005. Plaintiff Friskit, Inc. ("Plaintiff") and defendants RealNetworks, Inc. and Listen.com (collectively "Defendants") dispute over submission of a joint discovery letter brief seeking to compel an additional day of Mr. Eyal's deposition. Specifically, Defendants claim that they have provided their portion of the letter brief but that Plaintiff has still not yet provided its portion of the letter brief to Defendants. On September 13, 2005, the Court conducted a telephonic conference on the issue.

After careful consideration of parties' various letters and oral arguments made during the telephonic conference call, the Court hereby ORDERS as follows:

- 1) Plaintiff shall produce its portion of the joint letter brief seeking to compel an additional day of Mr. Eyal's deposition by September 15, 2005 so that the joint letter brief can be submitted to the Court.
- 2) If parties are not able to work together to produce said joint letter brief, parties shall meet

1 and confer, in person, to write the joint letter brief on September 29, 2005 at 9:00 a.m. in  
2 chambers.

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4 IT IS SO ORDERED.

5 Dated: September 13, 2005

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7 MARIA ELENA JAMES  
8 United States Magistrate Judge  
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